

## Coast Guard, DHS

## § 25.117

Claims Division (LSC-5), located at 300 East Main Street, Suite 400, Norfolk, VA 23510-9100. If that is not possible, the claim may also be presented to:

- (1) The commanding officer of the Coast Guard unit involved;
- (2) A Coast Guard unit convenient to the claimant; or
- (3) Chief, Office of Claims and Litigation, Chief Counsel, (CG-0945), 2100 2nd St., SW., Stop 7121, Washington, DC 20593-7121.

NOTE TO PARAGRAPH (b): In a foreign country, where there is no Coast Guard unit, the claim is considered presented to the Coast Guard if it is presented to the military attaché of any United States embassy or consulate or to the commanding officer of any unit of the armed services of the United States.

(c) *Time.* The time limits for presenting claims are contained in the following subparts addressing particular claim statutes.

[CGD 80-033, 46 FR 27109, May 18, 1981, as amended by CGD 87-008b, 52 FR 25217, July 6, 1987; CGD 97-023, 62 FR 33362, June 19, 1997; USCG-2001-9286, 66 FR 33639, June 25, 2001; USCG-2009-0416, 74 FR 27437, June 10, 2009; USCG-2010-0351, 75 FR 36278, June 25, 2010]

### § 25.113 Contents of claim.

(a) A claim under the Federal Tort Claims Act must be presented using Standard Form 95, Claim for Damage, Injury, or Death.

(b) A claim under any other Act may be presented using Standard Form 95. Any claim which is not presented using Standard Form 95 shall include:

- (1) The identity of the department, agency, or activity whose act or omission gave rise to the claim;
- (2) The full name and mailing address of the claimant. If this mailing address is not claimant's residence, the claimant shall also include residence address;
- (3) The date, time, and place of the incident giving rise to the claim;
- (4) The amount claimed, supported by independent evidence of property damage or loss, personal injury, or death, as applicable;
- (5) A detailed description of the incident giving rise to the claim;
- (6) A description of any property damage or loss, including the identity of the owner, if other than the claimant, as applicable;

(7) The nature and extent of the injury, as applicable;

(8) The full name, title, if any, and address of any witness to the incident and a brief statement of the witness' knowledge of the incident;

(9) A description of any insurance carried by the claimant or owner of the property and the status of any insurance claim arising from the incident; and

(10) An agreement by the claimant to accept the total amount claimed in full satisfaction and final settlement of the claim.

(c) A claimant or duly authorized agent or legal representative must sign in ink a claim and any amendment to that claim. If the person's signature does not include the first name, middle initial, if any, and surname, that information must be included in the claim. A married woman must sign her claim in her given name, e.g., "Mary A. Doe," rather than "Mrs. John Doe."

### § 25.115 Evidence supporting a claim.

The claimant shall present independent evidence to support a claim. This evidence may include, if available, statements of witnesses, accident or casualty reports, photographs and drawings.

### § 25.117 Proof of amount claimed for personal injury or death.

The following evidence must be presented when appropriate:

- (a) Itemized medical, hospital, and burial bills.
- (b) A written report by the attending physician including:
  - (1) The nature and extent of the injury and the treatment,
  - (2) The necessity and reasonableness of the various medical expenses incurred,
  - (3) Duration of time injuries prevented or limited employment,
  - (4) Past, present, and future limitations on employment,
  - (5) Duration and extent of pain and suffering and of any disability or physical disfigurement,
  - (6) A current prognosis,
  - (7) Any anticipated medical expenses, and

(8) Any past medical history of the claimant relevant to the particular injury alleged.

NOTE: An examination by an independent medical facility or physician may be required to provide independent medical evidence against which to evaluate the written report of the claimant's physician. The settlement authority determines the need for this examination, makes mutually convenient arrangements for such an examination, and bears the costs thereof.

(c) All hospital records or other medical documents from either this injury or any relevant past injury.

(d) If the claimant is employed, a written statement by the claimant's employer certifying the claimant's:

- (1) Age,
- (2) Occupation,
- (3) Hours of employment,
- (4) Hourly rate of pay or weekly salary,

(5) Time lost from work as a result of the incident, and

(6) Claimant's actual period of employment, full-time or part-time, and any effect of the injury upon such employment to support claims for lost earnings.

(e) If the claimant is self-employed, written statements, or other evidence showing:

- (1) The amount of earnings actually lost, and
- (2) The Federal tax return if filed for the three previous years.

(f) If the claim arises out of injuries to a person providing services to the claimant, statement of the cost necessarily incurred to replace the services to which claimant is entitled under law.

**§ 25.119 Proof of amount claimed for loss of, or damage to, property.**

The following evidence must be presented when appropriate:

(a) For each particular lost item, evidence of its value such as a bill of sale and a written appraisal, or two written appraisals, from separate disinterested dealers or brokers, market quotations, commercial catalogs, or other evidence of the price at which like property can be obtained in the community. The settlement authority may waive these requirements when circumstances warrant. The cost of any appraisal may be included as an element of damage if

not deductible from any bill submitted to claimant.

(b) For each particular damaged item which can be economically repaired, evidence of cost of repairs such as a receipted bill and one estimate, or two estimates, from separate disinterested repairmen. The settlement authority may waive these requirements when circumstances warrant. The cost of any estimate may be included as an element of damage if not deductible from any repair bill submitted to claimant.

(c) For any claim which may result in payment in excess of \$20,000.00, a survey or appraisal shall be performed as soon as practicable after the damage accrues, and, unless waived in writing, shall be performed jointly with a government representative.

(d) If the item is so severely damaged that it cannot be economically repaired or used, it shall be treated as a lost item.

(e) If a claim includes loss of earnings or use during repairs to the damaged property, the following must also be furnished and supported by competent evidence:

(1) The date the property was damaged;

(2) The name and location of the repair facility;

(3) The beginning and ending dates of repairs and an explanation of any delay between the date of damage and the beginning date;

(4) A complete description of all repairs performed, segregating any work performed for the owner's account and not attributable to the incident involved, and the costs thereof;

(5) The date and place the property was returned to service after completion of repairs, and an explanation, if applicable, of any delay;

(6) Whether or not a substitute for the damaged property was available. If a substitute was used by the claimant during the time of repair, an explanation of the necessity of using the substitute, how it was used, and for how long, and the costs involved. Any costs incurred that would have been similarly incurred by the claimant in using the damaged property must be identified;

(7) Whether or not during the course of undergoing repairs the property